

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2010

***ROUGH DRAFT
JOURNAL***

**FIFTY-FIRST DAY
APRIL 16, 2010**

OFFICE OF THE CHIEF CLERK

BT

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FIFTY-FIRST DAY

Friday, April 16, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:41 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Gordon Chang, uncle of Representative Chang, after which the Roll was called showing all Members present with the exception of Representatives Har, Luke, Shimabukuro and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fiftieth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 235 through 237) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 235, informing the House that on April 15, 2010, the following bill was signed into law:

S.B. No. 2834, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 023)

Gov. Msg. No. 236, informing the House that on April 15, 2010, the following bill was signed into law:

H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE." (ACT 024)

Gov. Msg. No. 237, informing the House that on April 15, 2010, the following bill was signed into law:

S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS." (ACT 025)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 584 through 586) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 584, transmitting H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 15, 2010.

Sen. Com. No. 585, dated April 15, 2010, informing the House that the Senate has on April 14, 2010, reconsidered its action taken on March 4, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 898, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."

Sen. Com. No. 586, dated April 15, 2010, informing the House that the Senate has on April 14, 2010, reconsidered its action on April 8, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2775, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION

PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P."

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Chang introduced his family: Uncle Gordon and Aunt Kay Chang; son and grandson, Mr. Jensen Chang and Caleb Chang, as well as good friend, Mr. Eric Ching.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>
136	Committee on Consumer Protection & Commerce
<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
18, SD1	Committee on Legislative Management
172, SD1	Committee on Public Safety
180, SD1	Committee on Public Safety
190, SD1	Committee on Public Safety
191, SD1	Committee on Public Safety
192, SD1	Committee on Public Safety

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that Senate Concurrent Resolution No. 206, SD 1, has been re-referred solely to the Committee on Housing per Committee Referral Sheet No. 72. The Committee on Finance waived its referral to this measure, and therefore it is appropriate for the House to consider action for adoption."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.C.R. No. 206, SD 1. (Representatives Har, Luke, Shimabukuro and Souki were excused)

RECONSIDERATION OF
ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1354-10, recommending referral to the Committee on Finance seconded by Representative Evans and carried. (Representatives Har, Luke, Shimabukuro and Souki were excused.)

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UNFINISHED BUSINESS

S.C.R. No. 206, SD 1:

Representative B. Oshiro moved that S.C.R. No. 206, SD 1, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'd just like to stand in strong support. Thank you."

Representative Pine rose to disclose a potential conflict of interest, stating:

"I just want a ruling on a potential conflict. I've worked with the Waianae Coast Homeless Task Force," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and S.C.R. No. 206, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was adopted, with Representatives Har, Luke, Shimabukuro and Souki being excused.

STANDING COMMITTEE REPORTS

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1356-10) recommending that S.C.R. No. 93, SD 1, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.C.R. No. 93, SD 1, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with just some reservations. I'd like to read if you don't mind, from the Hawaii Housing Finance and Development Corporation testimony from Karen Seddon. It says here that: '... the HHFDC opposes SCR 93 because it is not able to undertake the review due to budgetary constraints, the hiring freeze, and the considerable amount of compliance and reporting obligations of the HHFDC now incurred since its receipt of the federal stimulus funds.' It believes that the single room occupancy dwellings can be an important part of the solution in lack of affordable housing."

"However, noted in 2009, the City and County Department of Planning and Permitting testified it was already actively preparing for the transit-oriented development with neighborhood plans, subsequent zoning, financial mechanisms to guide the private sector towards meeting those adopted community values and opportunities, and that affordable housing will be one of the topics studied. So with that Mr. Speaker, I have reservations."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 93, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," was adopted, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1357-10) recommending that S.C.R. No. 202, SD 1, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 202, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006," was adopted, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1358-10), recommending that S.C.R. No. 40, SD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 40, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1359-10), recommending that S.C.R. No. 128, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 128, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL PUBLIC AND PRIVATE EMPLOYERS IN THIS STATE TO USE E-VERIFY TO CONFIRM EMPLOYEE WORKPLACE ELIGIBILITY," was referred to the Committee on Judiciary, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1360-10), recommending that S.C.R. No. 201, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS," was referred to the Committee on Judiciary, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1361-10), recommending that S.C.R. No. 144, SD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 144, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH AND CONDUCT A STUDY

TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A CONSTRUCTION SAFETY AND HEALTH PROGRAM IN THE STATE," was referred to the Committee on Finance, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48-hour notice for Conference Committee Report No. 6-10. Also please note the 10 day notice for Conference Committee Report No. 7-10 and 54-10."

Representative McKelvey, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1900, SD 1, presented a report (Conf. Com. Rep. No. 6-10) recommending that H.B. No. 1900, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-10 and H.B. No. 1900, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," was deferred for a period of 48 hours.

Representatives Takumi, Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2376, HD 3, SD 2, presented a report (Conf. Com. Rep. No. 7-10) recommending that H.B. No. 2376, HD 3, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-10 and H.B. No. 2376, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," was deferred for a period of 10 days.

Representatives M. Oshiro and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2807, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 54-10) recommending that S.B. No. 2807, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-10 and S.B. No. 2807, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," was deferred for a period of 10 days.

At this time, the Chair addressed Representative Coffman, stating:

"Representative Coffman, could you explain to the Members of this Body why we have this 10-day notice before us on Conference Committee Report number 7-10 and Conference Committee Report number 54-10."

Representative Coffman stated:

"Yes Mr. Speaker, these are all constitutional amendments and require 10 day notice."

Speaker Say: "Correct. Thank you, very much."

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives Har, Luke, Shimabukuro and Souki were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Har, Luke, Shimabukuro and Souki were excused.)

H.B. No. 2351, (SD 1)

H.B. No. 2351, SD 1:

Representative B. Oshiro moved that H.B. No. 2351, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support. Mr. Speaker, House Bill 2351 corrects the oversight that individuals who receive a less than honorable discharge or a general discharge under honorable conditions are not able to receive veteran's license plates.

"Mr. Speaker, this bill will honor veterans. I am not a veteran, but being a veteran is an honor earned by honorably supporting and protecting your country, Mr. Speaker. This will allow veteran's license plates to be a public declaration of service in an honorable way. So I would highly recommend the passage of this measure. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and may I have the words of the previous speaker entered in the record as if they were my own. Thank you."

Representative Takai rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as his own and asked that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this measure is to require veterans who submit application for veteran's license plates to provide the most recent discharge document that indicates an honorable discharge from the military.

"Veteran license plates identify individuals who have served this country. The veteran community and the general public believe that individuals who fail to meet certain standards of behavior and who received a less than honorable discharge should not be recognized as a veteran.

"The law, as currently written, allows those with less than an honorable discharge to receive a veteran's license plate. This measure corrects that oversight. For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

Representative Ward rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as his own and asked that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of HB2351, which requires an applicant for a veteran's license plate to include a copy of the applicant's most recent discharge paper or separation document that indicates an honorable discharge or general (under honorable conditions) discharge from active duty.

"As a veteran of the Vietnam War and a member of the Veterans' Caucus, I find it imperative that we protect the integrity of veterans' license

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plates. To be publicly identified as a veteran is an incredible honor, and it should be reserved for those who truly deserve it. Requiring proof of honorable discharge is a simple step we can take to show our appreciation for our country's veterans.

"For these reasons, Mr. Speaker, I strongly support HB2351."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a possible conflict. I'm a veteran," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 2351, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Final Reading by a vote of 47 ayes, with Representatives Har, Luke, Shimabukuro and Souki being excused.

At 11:55 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2351, SD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Har, Chang, Luke, Shimabukuro and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans.

H.B. No. 2016, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Har, Chang, Luke, Shimabukuro and Souki were excused.)

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Ward introduced his constituent, and a volunteer for the Red Cross and in the community, Mr. Rich Smylie.

At 11:57 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:00 o'clock p.m.

Representatives Evans and Takai introduced advocates for the elimination of child abuse: Miss Hawaii, Raeceen Woolford; Miss Hawaii Teen, Sheryl Wolfe; and Miss Hawaii Little Princess, who were here encouraging Members to participate in an event on Sunday and to put blue pinwheels on the Capitol lawn in recognition of child abuse prevention month.

Representative Manahan introduced a former teacher at Fern School Elementary who was here representing HSTA, Mrs. Louise Cayetano.

ADJOURNMENT

At 12:01 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, April 19, 2010. (Representatives Har, Chang, Luke, Saiki and Souki were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2721, Added Representative Souki as a member.
HD 1, SD 1

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2897, Discharged all conferees.
HD 1, SD 1

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2016, SD 1

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2351, SD 1

"April 16, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill and Senate Bill, a copy of each is attached hereto:

H.B. No. 2376, H.D. 3, S.D. 2, C.D. 1, entitled:"

"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

S.B. No. 2807, S.D. 2, H.D. 2, C.D. 1, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT."

Said measured were placed on the Order of the Day of the Hawaii House of Representatives on this date.

Respectfully,
/s/
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Carol Taniguchi, Clerk of the Senate
Scott Nago, Chief Election Officer"

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"April 16, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

H.B. No. 2376, H.D. 3, S.D. 2, C.D. 1
"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION
RELATING TO THE BOARD OF EDUCATION."

S.B. No. 2807, S.D. 2, H.D. 2, C.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF
THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE
REQUIREMENT."

Respectfully,
/s/
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosure

cc: Colleen Hanabusa
President of the Senate
Patricia Mau-Shimizu
Clerk of the House
Scott Nago
Chief Election Officer"

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